

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and JANE  
DOE,

Plaintiff,

vs.

FATHER ERIC ENSEY, FATHER  
CARLOS URRUTIGOITY, DIOCESE OF  
SCRANTON, BISHOP JAMES C. TIMLIN,  
THE SOCIETY OF ST. JOHN, THE  
PRIESTLY FRATERNITY OF ST. PETER  
and ST. GREGORY'S ACADEMY,

Defendant.

Case No.: 3 CV 02-0444

Judge: Hon. John E. Jones

PLAINTIFFS' MOTION TO CONTINUE TRIAL

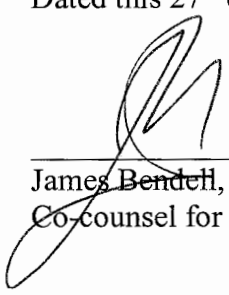
COME NOW the plaintiffs, by and through counsel, and move this court for an Order continuing the trial date presently set for September 6, 2004. This motion is based upon the memorandum below and the contents of the court's file.

Plaintiffs request this continuance because it would be extremely prejudicial for them to go to trial without the psychosexual evaluation of the priest defendants which was conducted by the Southdown Institute in Canada. This court has previously ordered Fr. Urrutigoity's psychological records turned over to plaintiffs' counsel. This has not occurred because Fr. Urrutigoity's attorney is appealing this ruling the Third Circuit Court of Appeals.

This court also ordered Fr. Ensey's psychological records to be turned over to the court for *in camera* review. However, the Southdown Institute has refused to send the records, and plaintiffs' counsel has been forced to retain Canadian counsel to obtain these records. That proceeding is not yet completed.

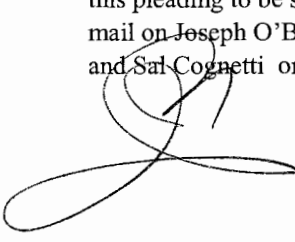
All defense counsel have been contacted regarding this motion and all concur with the motion to continue the trial.

Dated this 27<sup>th</sup> day of July, 2004.



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James Bendell, WSBA # 20820  
Co-counsel for Plaintiffs



I certify that I caused a true copy of this pleading to be served by electronic mail on Joseph O'Brien, Joseph Leeson and Sal Cognetti on 7/27, 2004.